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South Carolina House of Representatives

Legislative Update & Research Reports

Ramon Schwartz, Jr., Speaker of the House

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CONTENTS

Legislation Introduced.....	2
Children in Court: Proposed Changes.....	4
Growth Of Government: Some Comparative Figures.....	8
More Editorials on the General Assembly.....	16

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Legislative Update

Legislation Introduced

Contraceptives in Schools (H.3924, Rep. Fair). This measure would forbid all state-supported colleges and universities, and all public schools, from distributing contraceptives to students. The bill would prohibit distribution of both devices and medication.

Preemptory Challenges of Jurors (H.3925, Rep. Ferguson). This bill would require the state or the prosecution in a criminal case to give, on the court record, the reason for using the preemptory challenge to keep jurors from serving.

The preemptory challenge is a technique whereby attorneys for the prosecution and defense in a trial can keep potentially hostile jurors from serving. Lawyers often attempt to construct "psychological profiles" of their "ideal juror"—someone who will view the case the way the lawyer wants them to see it.

In a related area, the United States Supreme Court ruled in late April that race cannot be used as the grounds for disqualifying jurors in court trials. The Court ruled that excluding jurors because of race violates the right of a defendant to equal protection under the law; in addition, the rights of the excluded jurors are adversely affected.

Family Court and Payments to DSS (S.840, Senator E. Patterson). This bill would give the Family Courts the authority to order persons responsible for child support to repay the Department of Social Services for money spent by DSS on child support activities for the particular child. DSS would be reimbursed for money which the person responsible should have paid, but didn't.

This bill is the same as H.3290 (Rep. Evatt), which is now in the House Judiciary Committee.

Speedy Trial for Child Victims (S.841, Senator E. Patterson). In all court cases involving child victims, the court and the solicitor must take all actions possible to insure a speedy trial.

Similar to H.3291 (Rep. Evatt) which also adds the requirement that in ruling on any motion or request for delay, the court must consider any possible adverse effects on the child victim. H.3291 is currently in the House Judiciary Committee.

Measures to make trials easier on children have received increased attention in the South Carolina General Assembly this session. Bills have been introduced to provide for a number of such proceedings; see page 4 of this *Legislative Update* for a summary of the legislation, and some news on similar proposals around the nation.

Photographic Developers and Child Sex (S.963, Senator E. Patterson). Film processors asked to develop film of a child engaged in explicit sexual activities would be required to report the name and address of the person who left the film to the appropriate law enforcement office.

The bill is substantially the same as H.3440 (Rep. Evatt) which is presently in the House Judiciary Committee.

Murder to Include Terrorist Killings (S.1285, Senator E. Patterson). This bill would expand the current definition of murder to include any killings which were undertaken for the purpose of "protesting or changing the policy of the government of the United States, or its states ... or causing or preventing any action" by the government.

Such killings are, of course, typical actions of terrorists throughout the world.

Children in Court: Proposed Changes

South Carolina Proposals

Earlier in this *Legislative Update* there was information on methods of making court appearances, especially for sexual abuse cases, easier on young children. A number of measures have been introduced this session to achieve speed, efficiency and compassion for children in the courtroom. The major items include:

Children's Task Force (H.3169, Rep. Aydlette; House Judiciary Committee). This measure would create a Children's Task Force in each judicial circuit to help law enforcement officials with the cases of minors who are the victims of criminal sexual conduct or child sexual abuse. Each task force would have not more than fifteen members appointed by the circuit solicitor. The members of each task force would serve without compensation but would receive the usual mileage, subsistence, and per diem, paid from the South Carolina Crime Victim's Compensation Fund.

Duties of the members of the Children's Task Force would include: medically examining, video taping, interviewing, and counseling children when the use of regular law enforcement officials is not advisable due to the age of the child or other factors.

Spouse Testimony (H.3287, Rep. Evatt; given third reading in Senate and ordered enrolled, May 14). Currently the South Carolina Code says that no husband or wife can be required to disclose information revealed by the other during marriage. This legislation would change the law so that the prohibition does not apply in cases involving criminal sexual conduct involving a minor, or lewd acts committed or attempted upon a minor.

Child Competent Witness (H.3288, Rep. Evatt; House Judiciary Committee). This bill would provide that a child would be considered a competent witness to testify in judicial proceedings. "Child" as defined by the Code means a person under the age of eighteen.

Children's Testimony: Out-of-Court (H.3413, Rep. Evatt; House Judiciary Committee). This measure deals with the testimony of children in certain cases: criminal sexual conduct, lewd behavior, assault, battery, and kidnapping. In some instances the out-of-court testimony of a child would be permitted. Reasons that a child might not testify in open court could include death, absence from the jurisdiction, disability, extreme fear, or likelihood of an emotional trauma resulting.

In order for the testimony to be allowed, the court would have to be assured that it has "guarantees of trustworthiness." These guarantees cover a number of points, including the child's personal knowledge of the alleged event; the child's capability to recall the event accurately; the character of the child, and whether the child might have a motive to lie in the particular case; whether the statement was heard by more than one person, and whether the child's statement was spontaneous or came as a result of questioning.

Children's Testimony: Videotaping (H.3414, Rep. Evatt; House Judiciary Committee). This bill would permit the prosecution to ask the court to allow videotaping of a child's testimony in sexual offense cases. The child would have to be under sixteen years, and there must be a reason why the child would not testify in open court.

At the videotaping, only the following persons could be present: the child, the solicitor, the defendant, the defendant's attorney, a person to care for the child, and the judge. The state's rules on evidence and other procedures would be followed to preserve the rights of the defendant.

Closed-Circuit Testimony (H.3429, Rep. Evatt; House Judiciary Committee). This bill would allow a child under sixteen to testify via closed circuit instead of in person. Such testimony could be allowed only under certain circumstances; basically, those circumstances are the same as the ones allowed videotaped testimony in sexual abuse/sexual conduct trials.

Children in Court: National Proposals

Across the nation, state legislatures are dealing with judicial procedures and state laws relating to children in the court, especially in cases of suspected child sexual abuse.

The major thrust of these proposed changes is to treat children with greater sensitivity, while retaining the rights of defendants. When possible, the courts should prevent or minimize those aspects of the legal procedures which cause extreme or traumatic stress on children.

Videotaping of statements and testimony, pre-trial tours of courtrooms to help children get more comfortable with them, and allowing supportive persons present during court proceedings are only three of the ideas which are gaining acceptance in the states.

A recent issue of *NIJ Reports*, published by the National Institute of Justice (May, 1986) gives a summary of the new approaches involved in prosecuting child sexual abuse. Many of these techniques could probably be adapted for court/judicial procedures in general involving children.

A more lengthy report entitled *When the Victim Is a Child: Issues of Judges and Prosecutors*, has also been published by the National Institute of Justice, and is available from the U.S. Government Printing Office.

The major proposed reform measures are perhaps best summed up in the following chart from the *NIJ Reports* issue.

Summary of Proposed Reform Measures

Cause of Stress	Suggested Procedure	Necessary Conditions
<i>Pretrial Period</i>		
Repeated interviews	Videotaping first statement	Discretion
	Coordinate proceedings	Discretion
	Joint interviews/one-way glass	Discretion
Waiting for disposition	Priority scheduling	Discretion, statute
Repeated schedule changes	Limitation of continuances	Discretion
Removal of child from home; retaliation	"No contact" orders	Statute
Fear of unknown	Thorough preparation	Discretion
	Tour of courtroom	Discretion
Victim/family exposure in media	Media cooperation in suppressing identities	Discretion

Summary of Proposed Reform Measures

Cause of Stress	Suggested Procedure	Necessary Conditions
<i>Court Proceedings</i>		
Physical attributes of courtroom	Alternative setting	Statute
	Tour of courtroom	Discretion
	Small witness chair	Discretion
	Judge at witness' level	Discretion
Audience, jury	Exclusion of spectators	Statute
	Videotaped deposition	Statute
	Closed circuit tv	Statute
	Spectators asked to leave	Discretion
Defendant's presence	Closed circuit tv	Statute
	Child screened from view	Case law
	Alternative seating	Case law
	Instruction to child to look elsewhere; tell judge if the defendant "makes faces"	Discretion
Description of events	Res gestae *	Case law
	Expert witnesses to explain apparent lapses in child's testimony	Case law
	Presence of victim advocate	Statute, discretion
	Dolls, artwork	Discretion

*Res gestae, literally "things done," is generally known as an excited utterance, or spontaneous exclamation. It constitutes an exception to laws against the admission of hearsay evidence, by permitting admission as evidence statements about an act which is itself a crime. The requirement of "spontaneity" is usually measured by the length of time between the event and the statement; in other words, did the person making the exclamation have time to think up a false or largely false statement to make?

In the case of children, and especially child sexual abuse, courts have been increasingly willing to extend the period of time allowed. Children may not speak up because they are afraid they will not be believed, have feelings of confusion or guilt, or because threats made against them. The National Institute of Justice study recommends extending the time for longer periods, if suitable.

Growth Of Government: Some Comparative Figures

Background

During the annual debate on the appropriation bill there is inevitable discussion of the "growth" of state government. Generally, this growth is tied to a few, specific items: increased number of state government employees; increased amount of state revenues generated through taxes; increased rates on those taxes; and the ever-higher total of the state's budget.

Just how much growth has there been in South Carolina state government over the past decade? Although it depends on which figures are used in calculations, perhaps it might be possible to arrive at some general idea about just what is going on with this "growth of government."

The basic purpose of this research report is more to provoke questions than to provide answers. Numbers and statistics can be confusing—even misleading—unless they apply to specific concerns. An example from baseball: of the four, who is the greatest player, Ruth, Aaron, Mays, DiMaggio?

The question really has no meaning until it is further refined. What are you comparing? Total homeruns would indicate Aaron—but he played in more games than Ruth, so how do you factor in time? Total hits would suggest Mays, but how does his fielding compare to DiMaggio's? And what about DiMaggio's consistency—56 consecutive games with hits? If you are talking versatility, then you have to account for Babe Ruth's long-held record for consecutive scoreless innings in World Series play, as a pitcher.

In a similar fashion, when we speak of growth in state government, what do we mean? What are we comparing?

Spending Limits

Concern over state government growth has led to several measures to limit it. In 1980, for example, a statutory spending limit was passed by the General Assembly. In 1984 this limitation was revised and placed in the state Constitution. The limit on the growth of government in the state is tied to the growth of personal income in South Carolina, and there are two methods provided to compute the limit.

The first takes the last year's appropriation total and multiplies it by the three year average growth in personal income. The result is the limit. The second method takes an estimate of state personal income and multiplies it by a limit factor of 9.5%. The higher of the two results becomes the spending limit imposed on the state.

The measures above were debated for a number of years in the General Assembly, before being passed into law during the 1984 session. One of the more persuasive arguments was that the growth of state government needed to be restrained by a strong, constitutional limit, rather than an easily-overturned statutory one. Such a powerful limit would make it difficult for the state government to grow more quickly than the state's economic base could actually support. (It must have been persuasive; the General Assembly passed the legislation.)

Other Limits on Government Growth

There are other constraints on government growth in South Carolina. The reserve fund, for example, must maintain a balance of 4% of the previous year's revenue (changed from 5% in 1984).

There is a limit on debt service, which puts a cap on the amount of debt payments used to pay off the state's bonded indebtedness. Prior to 1980 this limit was 7% of the previous year's total reserve. In 1980 this was lowered by statute to 5%, and in 1984 the 5% limit was incorporated into the state Constitution.

Last year, 1985, the General Assembly passed legislation lowering the debt service limit each year until a new limit of 2.5% is reached in fiscal year 1989-90.

Finally, there is a limit on the number of state employees who receive their pay from the general fund. This limit is linked to the total population of the state, and is expressed in terms of full-time equivalent (FTE) positions. Currently the state is allowed 63,609 FTEs. (The actual number of persons is not necessarily the same as the number of FTEs; the difference, however, will not be made in this report. The comparative figures should not be adversely affected.)

These then, are the major legal methods (statutory and constitutional) which limit growth of government in South Carolina. Let us look, now, at what sort of growth has been going on.

Total Appropriations

Total appropriations would seem to be the logical place to begin—after all, what better measure of the growth of government than by the amount of money it spends? Looking at the state's general fund for the past decade, we do see a steady rise in expenditures.

Total Amount, General Appropriations

<u>Year</u>	<u>General Fund Appropriation Total</u>
1975-76	\$ 1,031,928,000
1976-77	1,085,535,000
1978-79	1,382,711,000
1979-80	1,598,410,000
1980-81	1,764,640,000
1981-82	1,859,378,000
1982-83	1,936,338,000
1983-84	2,111,466,000
1984-85	2,397,054,000
1985-86	2,597,174,000

While there is a rise, is it one that proceeds by quantum leaps, or is it a steady, progressive rise? Are state expenditures being fueled by expansion of the economic base, increased needs by state residents, or sheer inertia on the part of government?

Conclusions on these questions move from research into policy decisions; answers which Representatives come to will be influenced by their personal experiences and perceptions.

Per Capita Comparisons

Total figures of such magnitude tend to stagger the mind. (At least some minds, such as this one.) It is sometimes better to bring these astronomical figures a bit down to earth, in order to see what impact they have on people as people—that is, as individuals.

One of the methods to effect this is to use the "per capita" comparisons. "Per capita," literally Latin for "per head," refers to units of population—in this case, individuals.

The simplest method to arrive at a per capita figure is to take the total amount (say the state budget) and divide it by the number of persons (total state population). Obviously, such a process will allow a certain amount of leakage, but the results give a good comparative view of state expenses.

Perhaps the most interesting comparisons would involve the per capita personal income for residents of the state; the per capita tax burden of those residents; the per capita general revenue the state receives; and the per capita general expenditures by the state.

Per Capita Comparisons

<u>Year</u>	<u>Personal Income</u>	<u>Tax</u>	<u>General Revenue</u>	<u>General Expenditure</u>
1976	4,618	366	605	658
1977	5,147	413	670	714
1978	5,628	468	742	745
1979	6,242	519	806	752
1980	7,298	538	902	859
1981	8,109	585	932	898
1982	8,475	627	1,037	1,015
1983	8,954	660	1,071	1,030
1984	10,075	723	1,520	1,106

In one sense, per capita comparisons are fine; they certainly give a general idea of how the individual's progress stacks up against that of the state.

Once again, the basic issue is less what the numbers are, than what they mean. Is the growth of per capita personal income undermined by the concurrent increase in per capita taxation? Or is it the case that the per capita tax increase is linked naturally to a rise in income? Again, a matter of interpretation, based as much on philosophical and political underpinnings as on foundations provided by statistics.

What About Tax Increases?

Since tax is the major source of government revenue, one measure of government growth is the increase of its taxing power. This can be examined in two ways: first, the size of the individual tax (income, sales, and so forth); second, the number and variety of taxes imposed by the government.

South Carolina has over forty-two varieties of taxes and fees, including such sturdy earners as the retail sales tax and the individual income tax which do most of the work; these relatively few taxes affect most people in our state.

The taxes which are either major revenue producers for the state or which affect the greatest number of individuals are on: sales, individual and corporate income, alcoholic liquors, beer, cigarettes, and gasoline. What has the General Assembly done to these tax rates over the years? Have they been increased dramatically? Unbearably? Reasonably? The following comparative table shows how they have varied over the past twenty some years.

Individual income taxes, because of the element of complexity involved, are treated in a separate table which follows this one.

Major Tax Rate Changes in South Carolina

<u>Year</u>	<u>Sales</u>	<u>Corporate Income</u>	<u>Liquor per gal</u>	<u>Beer per gal</u>	<u>Cigarettes per pack</u>	<u>Gas per gal</u>
1960	3%	5%	\$4.05	\$.45	\$.05	\$.07
1968				.64		
1969	4%	6%	4.17	.768	.06	
1972			4.21		.08	
1976			4.59			
1977					.07	.08
1979						.10
1980						.11
1981						.13
1984	5%		4.92			

Looking over this table, the major item which seems to move up relatively quickly is the gasoline tax, which goes from eight cents in 1977 to thirteen cents by 1981. In order to accurately judge whether this rise was excessive or not would require exhaustive investigation of the debates and considerations which attended the increases—that would be subject probably for a doctoral dissertation, rather than a research report.

In order to place some perspective on the matter, however, a comparison of gasoline tax rates in other Southeastern states during the same time period might be in order. That comparison follows in the table below.

Comparative Gasoline Tax (Cents Per Gallon) Southeastern States

<u>State</u>	<u>1978</u>	<u>1980</u>	<u>1982</u>	<u>1984</u>
Alabama	7	7	11	11
Florida	8	8	11	9.7
Georgia	7.5	7.5	7.5	7.5
Kentucky *	9	9	10	10
Louisiana	8	8	8	8
Mississippi	9	9	9	9
North Carolina	9	9	12	12
SOUTH CAROLINA	8	10	13	13
Tennessee **	7	7	9	8
Virginia	9	9	11	11

* Kentucky imposed an additional tax on heavy equipment on a per use basis; this tax was 11¢/gallon until 1982, when it rose to 12.2¢/gallon.

** Tennessee imposed an additional privilege tax; this was 0.7¢ a gallon until 1980, when it was raised to 1¢ per gallon.

Individual Income Tax Rates

<u>Year</u>	<u>Income</u>	<u>Rate</u>
1959	Less than \$2,000	2%
	\$2,000 - \$3,000	3%
	\$4,000 - \$5,999	4%
	\$6,000 - Over	5%
1983	Less than \$2,000	2%
	\$2,000 - \$3,999	3%
	\$4,000 - \$5,999	4%
	\$6,000 - \$7,999	5%
	\$8,000 - \$9,999	6%
	\$10,000 - Over	7%
1984	Less than \$2,019	2%
	\$2,020 - \$4,037	3%
	\$4,038 - \$6,056	4%
	\$6,057 - \$8,074	5%
	\$8,075 - \$10,093	6%
	\$10,094 - Over	7%

Number of State Employees

In his play, *Richard II*, Shakespeare has one of his characters comment sourly on medieval public servants, calling them, "The caterpillars of the commonwealth/ Which I have sworn to weed and pluck away." Centuries later, in a similar vein, President Thomas Jefferson remarked on federal employees that "few die and none resign."

That might well be the image of the state employee in many persons' minds: idle drones whose numbers constantly increase. According to the state *Statistical Abstract*, however, South Carolina government seems to have a fairly good record of keeping its caterpillars in check. On the other hand, a case could probably be made that the number of state employees shown below is still too large.

Still, it must be remembered that all state employees are there for a purpose, and that must be factored into the equation. How can you put a price tag on the services rendered by the state through its employees? What value can be placed on enforcing the laws and protecting persons? Or teaching the next generation? Or efficiently collecting the taxes to fund government operations?

Employees, State and Total Governments

<u>Year</u>	<u>State Government</u>	<u>All Governments</u>	<u>State Population</u>
1976	57,996	160,192	2,818,000
1977	63,021	160,727	2,848,000
1978	65,515	171,607	2,876,000
1979	71,563	185,881	2,918,000
1980	67,505	185,781	2,932,000
1981	64,484	181,778	3,121,833
1982	63,814	177,859	3,167,000
1983	64,766	177,036	3,264,000
1984	70,119	178,552	3,300,000

Local government employees consistently make up the largest single bloc, followed by school district staffs. The State is only third on the list. In addition there are counties, municipalities, and special purpose districts which feed into the total.

A Note on the Numbers

According to Disraeli, there are three types of falsehoods: "lies, damned lies, and statistics." Actually, the problem with statistics is not that they lie, but that they change, depending upon time, purpose and perspective.

Time is not kind to statistics. The more relevant the figures are, the more they seem hostage to changes. Economic estimates, as every member of the General Assembly knows, are subject to revision throughout the year. As time passes, the figures become more solid and less changing--but by the time they are firmly fixed, the decisions based on them have all been made.

The purpose of any study determines which numbers will be chosen, and how they will be presented. This report aimed at a presentation of certain basic elements of supposed growth in state government. Most of the figures came from the annual *State Statistical Abstract*, published by the Budget and Control Board. The *Abstract* is the most comprehensive single source reference for economic data pertaining to the state. Like all comprehensive sources, however, it must sacrifice some detail to become more general in compass. This suited the purpose of the report, which was to give just that general view.

Finally, the perspective of any study will influence its choice of numbers. As an example: this report relied on the simple number of state employees listed in the *Abstract*, rather than the more precise, but difficult to use, full-time equivalents (FTEs). What was important here was the relative growth of state employee numbers, not the exact figures.

In essence, the perspective of this study has been a rough historical review of state government growth over the past ten years. There was no attempt to argue for or against such growth (that is a policy issue, outside the domain of this publication) or to imply that growth itself is good or bad (another policy issue with philosophical overtones). The purpose here was to give some information to members of the House, to help them make their decisions in Columbia and explain them back home.

Sources

The Book of the States, 1983-84, and 1984-85. Lexington: Council of State Governments.

Budget Digest, FY 1986-87. Columbia: State Budget Division, S.C. Budget and Control Board.

Legislative Update, 1984-present, House Research Office.

South Carolina Statistical Abstract, 1976 through 1985. Columbia: Division of Research and Statistical Services, S.C. Budget and Control Board.

More Editorials on the General Assembly

Background

As the legislative years draws closer to its end (perhaps), the newspapers have been running an increased number of editorials on the progress of the General Assembly. Once again, *Legislative Update* surveys the editorial clippings the office has received.

The Budget Bill

The *Columbia Record* had an editorial chiding the Senate Finance Committee for recommending a "raid" on the capital improvements fund (May 6). The *Record* had some perceptive words about the House: "Two months ago, the House adopted a tight, fiscally responsible approach and passed a \$3 billion appropriations bill for fiscal '87 which actually carried a surplus of \$526,703. In doing so, the House gave state employees a 3 percent pay hike but chopped 2 percent from most agency budgets to compensate for a predicted \$566 million shortfall in revenues. The House prudently left largely intact the \$55 million capital improvements fund."

After calling the Senate Finance move "unwise," the *Record* urged the House to protect the reserve fund: "If need be, the House should stick by its guns and fight for retention of the building fund once the appropriations bill reaches conference committee."

On the other hand, the *Florence Morning News* and the *Greenville News-Piedmont* were moaning about "bobtailing."

The *News*, in a Sunday, May 11 editorial, morosely predicted "a flowering of the sorry old practice of loading down the state appropriations bill with amendments that have little or nothing to do with taxing or spending." Pointing out several examples of what it calls "bobtailing," the paper concluded: "But there is a right way and a wrong way to enact legislation. Bobtailing is not the right way."

The *Greenville News-Piedmont*, agreeing with its Florence cousin, said that "Imaginative minds are at work again in the General Assembly, evidenced by the slew of riders that the Senate Finance Committee is adding to the annual appropriations bill." (May 11) The *News-Piedmont* said this was "bobtailing," and that it is "offensive" because it violates the state constitution.

Budget Busters (Who You Gonna Call?)

A Greenville *Piedmont* editorial (April 29) took the Senate to task for "shattering the budget." The paper sternly warned what the future held: "What lies ahead is contentious debate on the Senate floor, and probably a filibuster that quite exhausts everyone but the persistent spenders. That is the pattern of the past."

The *Piedmont* suspected that one reason of the Senate Finance Committee's action was "a power play to neuter the strong new leadership that is emerging in the House with the election of Rep. Bob Sheheen as speaker." And a second reason? "...a determined effort to trivialize and prevent emerging efforts to reform the state's budgeting process."

The editorial concluded: "With the past as a guide, this dreary scene will play out with the Senate spenders getting only part of what they want, but once again controlling the process. They haven't yet routed the House, though. And this is an election year, too."

Local Finances

In a related area, four newspapers considered the situation of local governments gaining taxing power—through the proposed Local Government Finance Act.

The Greenville *News* (April 28) supported the move to grant fiscal powers to local governments, and attacked the General Assembly for not moving promptly on the matter. Said the *News*: "The General Assembly's preference for crisis management is never more clearly demonstrated than in the way it manipulates local government tax policy." The paper briefly outlined the proposed law, but gave little chance for its passage:

"But state lawmakers have balked at cutting local officials loose to make tax choices and deal with any political heat that follows. With the same myopia that led to the farmland crisis, they cling to a misplaced belief in their fiscal omnipotence. It's a belief that continues to cripple local governments."

(The "farmland crisis" referred to the move to put a freeze on the tax value of cropland for this year.)

The *State* (May 3) also supported granting tax powers to local governments, and adduced several reasons for the idea: loss of federal funding being one. In addition, the paper noted that, "If the bill isn't passed, the only options for local government will be to raise property taxes or cut services. The knee-jerk response of many is to advocate cutting services. But citizens won't find the fat in local budgets that they might in federal, or sometimes, state funding."

Once again, however, the media pundits fear for the future of local government finance: "...legislators, ever jealous of their own power over local governments, have dragged their feet in allowing them any financial independence, even through the Legislature passed a Home Rule Act 10 years ago. The people who live in the cities and counties are better able to determine their own fate than Columbia is. Nor surprisingly, that's hard for the people in the State House to believe."

The Spartanburg *Herald-Journal* (May 9) also supports, it seems, giving local governments increased taxing powers. "Local governments in South Carolina are caught between two things probably worse than a rock and a hard place. They are in a tightening vice of dependency on federal government money and historic subordination to state government."

After reviewing the proposed local government finance act, the *Herald-Journal* concludes: "If the measure fails, the only recourse would be to reduce services and personnel, or substantially increase property taxes."

The Marlboro *Herald-Advocate* also supported local tax autonomy (May 1). The paper noted that "local officials are finding that home rule does not offer all that much local freedom at all." The reason? "The General Assembly of South Carolina has bound local governments with a cord that has never been completely cut, requiring local services but not providing the necessary funds."

One solution: the local tax options. But will it work? The *Herald-Advocate* is doubtful:

"Here is another chicken and the egg situation. If the General Assembly is going to deny true home rule and continues to impose financial burdens on the counties and municipalities, then it must create new sources of revenue on the local level. Without the revenues, the programs will not work. Without local support, the news revenues will not be enacted on the local level to finance the program."

Philadelphia Garbage

The news that garbage from Philadelphia was being sent to South Carolina raised the hackles of many, including editorial writers.

The Charleston *News and Courier* (May 3) said that the "future is at stake," and urged quick action, especially to regulate the many private landfills in the state.

The other Charleston paper, the *Evening Post*, (May 5) agreed that legislation was needed to protect the environment, but warned that it had to be drafted carefully, so as not to be struck down as unconstitutional. "The need for effective restrictions on imported

waste is not in doubt. But the restrictions should be framed in such a way that will make them as secure as possible against legal attack. To do less will be to engage in little more than spinning wheels."

Crime and Safety

The *Augusta Herald* (May 6) supported legislation that would keep juveniles convicted of serious crimes out of the public schools. The measure, which was sparked by the rape of a Dreher High School student in Columbia, would require that the Department of Youth Services provide education for their charges.

"Public schools have enough problems without becoming a dumping place for young felons. They were sent to the juvenile facilities because that's where they belong. And that's where they should stay until their term is up."

The *Charleston Evening Post* (May 7) examined the impasse between the House and Senate over "life without parole" provisions in the Omnibus Crime Bill. "If the conference committee can't sell the Senate on life without parole as originally proposed, then perhaps the provision should be shelved until next year. The omnibus crime bill holds too much promise to be stymied by disagreement on one sentencing alternative."

The Crime Victims' Fund was the subject of an editorial in the *Sumter Daily Item* (May 6). The essence was in the title: "Fund it or fix it."

The *Item* noted that the Fund paid slowly, and that it was running out of money. "The legislature needs to make the tough choice and either find enough money in the \$3 billion state budget to make the fund work on revise. It may not be realistic to try to equate monetary compensation and the human suffering caused by crime. Perhaps the best the state can do is to try to diminish true economic hardship. At the least, the state shouldn't just keep the program on the books but let it languish because the money isn't there."

Mopeds on the March

The *Rock Hill Evening Herald* (April 28) said legislation governing mopeds and their riders was needed, but "didn't go as far as they needed to go." The editorial noted that the Senate had dropped the age limit from 14 to 13, and required helmets only for riders under 21.

"Contrary to the arguments voiced by people who oppose mandatory helmet laws, the individual rider isn't the only one who pays for those risks. We all pay--through inflated medical insurance premiums, hospital and other medical costs, and tax-paid assistance for people disabled in highway accidents."

The *Charleston Evening Post* (April 29) also argued for stiff moped laws: "In the first place, all motorized vehicles should be regulated. In the second, the age limit for operators should be fixed at 15—the same as for a beginner's permit to drive a car. South Carolina is the only state which allows 12-year-olds to operate mopeds on public thoroughfares—a fact which testifies to the need to raise the age limit. The older the operator, the more mature his judgment is likely to be in times of stress."

The *Florence Morning News* (April 30) expressed some doubts about proposed moped legislation: "Where does protection for the common good end and meddling into people's personal business begin?" Like jesting Pilate, the paper did not pause for a reply, but continued on with its editorial. After consideration of the matter, however, the *News* decided that upping the age limit and requiring helmets for younger riders was "protection for the common good."

After all, the *News* admitted, mopeds "are not toys, but motorized machines capable of comparatively high speeds. Still, they are fragile vehicles in the mix of other vehicular traffic on streets and highways." In other words, not the sort of item to put in the hands of children.

The House Makes a Mistake—But the Senate Needs to Go

When the House rejected a bill that would have prohibited a candidate from filing for two offices at the same time, the *Orangeburg Times and Democrat* (May 11) scolded it.

Calling the move a "selfish, politically motivated decision," the paper said allowing dual filing "is somewhat like an expensive political insurance policy for incumbents." The editorial concluded that "Common sense does not always prevail in the world of politics. This is one case where any other approach is but folly."

Bad enough, when newspapers criticize the actions of the Legislature, but the *Anderson Independent-Mail* (May 6) is prepared to go further than criticizing: the editors are toying with the idea of abolishing the state Senate.

In an editorial, they wrote: "Since 1964 when the U.S. Supreme Court ruled state senators must be elected from districts based on population and not by county lines, senates in all states have become unnecessary and costly appendages on the body politic."

What is to be done with these appendages?

Scrap the Senate, keep the House, the *Independent-Mail* suggested. "Under the one-person, one-vote concept, two legislative bodies make for waste of time and money. Why should the 'upper' body be abolished? Because House representatives have smaller districts where citizens can keep a closer eye on them."

At least, the paper concluded, let one of the candidates for governor adopt the idea as part of his platform, and put it to the public. "How would South Carolina voters react if faced by a proposition to abolish the state Senate? Frankly, we don't know. We do feel, nevertheless, that citizens should have that opportunity and that the leader or leaders who dares propose such action would carve a niche in the history books."

Member Finds His Niche

Well, at least one House members has already proposed such action: Malloy McEachin. Last session he filed H.2589, which would merge the Senate and the House into a single, 124 member chamber, with members serving four year terms. The body would be called the General Assembly of South Carolina; the presiding officer would be the Speaker of the General Assembly. The measure was tabled in committee, but at least the idea was proposed. Representative McEachin, welcome to your niche in the history books.

State Mottoes: A Selection

All of the states have mottoes; some, like South Carolina, have more than one. Many of the states prefer the solemn spiffiness of classical Latin; others use native American Indian languages, French or Spanish. Whatever the language, the motto is supposed to express some essential character of the state. Here is a selection, chosen from the latest *Book of the States*, published by the Council of State Governments.

Alabama: We dare defend our rights
Alaska: North to the future
Georgia: Wisdom, Justice and Moderation
Hawaii: Ua Mau Ek Ea O Ka Aina I Ka Pono
[The life of the land is perpetuated in righteousness]
Indiana: Crossroads of America
New Jersey: Liberty and prosperity
New Mexico: Crescit eundo [It grows as it goes]
Tennessee: Agriculture and Commerce
Texas: Friendship [Tell that to JR!]
Utah: Industry
Washington: Aiki [By and by]
West Virginia: Montani semper liberi
[Mountaineers are always free]
Wisconsin: Forward
Wyoming: Equal Rights
